

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

W.P.(C).No. 15847 of 2005(J)

PETITIONER:

AUGUSTINE M.SEBASTIAN,
RETIRED PRINCIPAL,(GOVERNMENT VOCATIONAL HIGHER
SECONDARY SCHOOL,THODUPUZHA), MATTIL HOUSE,
VENGALLOOR P.O., THODUPUZHA-685 584.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS:

1. STATE OF KERALA, REP. BY SECRETARY TO
GOVERNMENT, GENERAL EDUCATION (T) DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVADNRUM.
2. DEPUTY DIRECTOR OF EDUCATION,
IDUKKI AT THODUPUZHA.
3. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
THODUPUZHA.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.15847 OF 2005

Dated this the 2nd day of August, 2007

JUDGMENT

Petitioner retired from service on March 31, 1999 while he was working as Principal in Government Vocational Higher Secondary School, Thodupuzha. Petitioner got his Death Cum Retirement Gratuity in two instalments of Rs.89,284/- and Rs.50,570/- on July 31, 2004 and November 29, 2004 respectively. In other words, there was a delay of more than five years and eight months in disbursement of the benefits to him. It is pointed out by the petitioner that the respondents had disbursed the benefits only after the petitioner had approached the Lok Ayuktha and this court. In Ext.P2 judgment dated July 1, 2004, this court had directed the respondents to disburse the benefits within 45 days from the date of receipt of a copy of the judgment. Thereafter, the benefits were released and that too after a further delay of a few more months.

2. Anyhow, the present grievance of the petitioner is that he has been denied interest for the delayed payment. He claims

interest from April 1, 1999 to the date of payment viz. November 28, 2004.

3. Learned Government Pleader submits that there was no laches on the part of the Department in processing the pension papers or disbursing the pensionary benefits to the petitioner. The entire circumstances have been explained in the counter affidavit. It is also pointed out by the learned Government Pleader that the petitioner cannot claim interest in this proceeding now, since in the earlier proceeding which lead to Ext.P2 judgment, he was not granted the above relief. It is the contention of the learned Government Pleader that the petitioner therefore cannot claim interest. However, in the counter affidavit it is seen stated that the petitioner is entitled to approach the Government for grant of interest as it is the Government which is the competent authority to do so. It is also seen averred that petitioner has not approached the Government in this regard so far and Ext.P4 which is stated to have been filed by him could not be traced out in the department.

4. At this stage learned counsel for the petitioner submits that the petitioner is prepared to submit a fresh representation, if the respondents take the stand that Ext.P4 had not been received. Petitioner asserts that Ext.P4 had in fact been submitted before the Government.

In the above facts above facts and circumstances, I am of the view that the petitioner can be granted a chance to approach the Government by making a representation claiming interest. If such a representation is submitted by the petitioner within one month from the date of receipt of a copy of the judgment, the same shall be considered and appropriate decision thereon shall be taken within three months from the date of receipt thereof, after affording sufficient opportunity of hearing to the petitioner. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

A.K.BASHEER, JUDGE

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